

REMARKS

Applicant respectfully requests reconsideration. Claims 1-3 and 106-109 were previously pending in this application with claims 4-105 and 110-126 having been withdrawn from consideration. The withdrawn claims have been cancelled. Independent claim 1 has been amended. Claim 106 has been amended for clarity and to correct a typographical error. No new matter has been added. Claims 1-3 and 106-109 remain pending with claim 1 being independent.

Rejection of Claims 106-109 under 35 U.S.C. §112, ¶2

Claims 106-109 were rejected under 35 U.S.C. §112, ¶2 as being indefinite. The Office Action states that claim 106 has insufficient antecedent basis for the limitation “at least one of E and F comprises the first and second group.” Claims 107-109 depend from claim 106 and, thus, were also rejected on these grounds.

Applicant has amended claim 106 to eliminate the antecedent problem by deleting the above-noted limitation. Thus, amended claim 106, and its dependent claims, are definite. Accordingly, withdrawal of the rejection of claims 106-109 is respectfully requested.

Rejection of Claims 1-3, and 106-109 under 35 U.S.C. §102(a)

Claims 1-3 and 106-109 were rejected under 35 U.S.C. §102(a) as being anticipated by WO 99/57222 (the ‘222 publication).

A declaration under 37 C.F.R. §1.132 signed by the sole inventor, Timothy M. Swager, is being filed herewith to establish that the disclosure in the ‘222 publication related to claims 1-3 and 106-109 is a publication of his own work and inventions as represented by these claims. The declaration also establishes that the inventions of claims 1-3 and 106-109 were invented by himself and that the contributions of the other co-inventors named on the ‘222 publication did not rise to the level of inventorship of any invention(s) recited in claims 1-3 and 106-109.

Thus, the disclosure in the ‘222 publication related to claims 1-3 and 106-109 is not a publication of another as required for a rejection under 35 U.S.C. §102(a). For at least this reason, withdrawal of the rejection of these claims on this ground is respectfully requested.

Rejection of Claims 1-3 under 35 U.S.C. §102(b)

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by WO 95/16681 (the '681 application). The Office Action points to the embodiment of Figure 2 of the '681 application which shows a conducting polymer disposed on an insulating substrate.

The '681 application fails to teach or suggest a system including an insulating dielectric surrounding a nanoscopic pathway as recited in amended independent claim 1. Thus, independent claim 1 is patentable over the '681 application. Claims 2-3 depend from claim 1 and, therefore, are also patentable over the '681 application for at least these reasons.

Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Rejection of Claims 1-3 under 35 U.S.C. §102(e)

Claims 1-3 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,323,309 (the '309 patent).

The '309 patent fails to teach or suggest a system including an insulating dielectric surrounding the nanoscopic pathway as recited in amended independent claim 1. Thus, independent claim 1 is patentable over the '309 patent for at least this reason. Claims 2-3 depend from claim 1 and, therefore, are also patentable over the '309 patent.

Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Rejection of Claims 1-3 under 35 U.S.C. §102(b)

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,841,099 (Epstein).

Epstein fails to teach or suggest a system including a nanoscopic switch in electronic communication with the nanoscopic pathway that is capable of altering the conductivity of the nanoscopic pathway as recited in independent claim 1. In contrast, Epstein describes a system including insulating fibers that are converted to electrically conducting fibers by a heating step. However, there is no feature in Epstein that functions as the claimed nanoscopic switch. Thus, independent claim 1 is patentable over Epstein. Claims 2-3 depend from claim 1 and, therefore, are also patentable over Epstein for at least this reasons.

Accordingly, withdrawal of the rejection of these claims is respectfully requested.

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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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